

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-CR-20104-CR-MARTINEZ/BECERRA(s)(s)(s)

UNITED STATES OF AMERICA

v.

RODOLPHE JAAR,

Defendant.

/

JOINT MOTION TO CONTINUE RESTITUTION HEARING

The United States, by and through the undersigned counsel, jointly with counsel of record file this motion to continue the restitution hearing in the above-referenced matter.

On June 5, 2023, this Court sentenced the defendant Rodolphe Jaar to life imprisonment. ECF No. 299. The Court also ordered the defendant to pay restitution in an amount to be determined at a hearing scheduled for August 21, 2023. *Id.* On August 10, 2023, the government filed a Consent Motion to Continue the same. ECF No. 379. This Court granted that motion and the restitution hearing was continued to November 17, 2023. ECF No. 380. On November 2, 2923, the government filed a second request to continue the restitution hearing (ECF No. 466), which the Court granted (ECF No. 467). The restitution is currently scheduled for December 19, 2023, at 1:30. *Id.*

The government subsequently obtained additional materials from the victims in this case in support of a potential restitution claim. One victim provided materials to the government on November 20, 2023, however, the government is awaiting official translations of these documents in order to provide them both to the Court as well as the defendant. The government has continued

to confer with defense counsel regarding restitution. While the parties continue to anticipate an agreement regarding a restitution figure, the parties agree that some additional time to review the translations of the materials provided on November 20, 2023, will be necessary to achieve an agreement. Accordingly, the government now moves, jointly with defense counsel, to continue the restitution hearing in this matter for a period of sixty (60) days.

The government acknowledges that 18 U.S.C. §3664(d)(5) sets a 90-day deadline for the final determination of the victims' losses for purposes of determining restitution. However, the Supreme Court has clearly held that despite the deadline set by §3664(d)(5), a sentencing court retains the power to order restitution after that 90-day deadline has passed, particularly in a case such as this, where this Court has made it clear prior to the expiration of the deadline that restitution would be ordered, with the only the amount remaining to be determined. *Dolan v. United States*, 560 U.S. 605, 608 (2010); *see also United States v. Rodriguez*, 751 F.3d 1244, 1260 (11th Cir. 2014). In *Dolan*, the Supreme Court made this ruling even though no party had offered an excuse or sought an extension or tolling of the 90-day period. Here, the government sought tolling of the §3664(d)(5) limitation period prior to its expiration.

This motion is made in good faith and after the exercise of due diligence and is not made for the purpose of unnecessary delay.

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WHEREFORE, the parties jointly requests that this motion be granted, and that the hearing to determine the amount of restitution due be continued for sixty (60) days.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 4, 2023, I electronically filed the foregoing document with the Clerk of the Court via CM/ECF.

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